

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
IN CLERKS OFFICE

RECEIPT # 56633
AMOUNT \$ 150
SUMMONS ISSUED Y-1
LOCAL RULE 4.1 _____
WAIVER FORM _____
MCF ISSUED _____
BY DPTY. CLK. PM
DATE 5-21-04

2004 MAY 21 P 1:54

LIDUVINA BOSSELAAR,
Plaintiff

U.S. DISTRICT COURT
DISTRICT OF MASS.

Civil Action No:

v.

THE UNITED STATES OF AMERICA,
And JOHN DOES 1-10
Defendants

04 cv 11033 PBS

COMPLAINT AND JURY DEMAND

MAGISTRATE JUDGE Coker

THE PARTIES

1. The plaintiff, Liduvina Bosselaar, is an individual who currently resides at Twijgstraat 4 7411 AR Deventer, The Netherlands.
2. The United States of America, is a defendant pursuant to the Federal Tort Claims Act, 28 U.S.C. Section 1346 and 2671 et seq., arising from the intentional and negligent wrongful acts and omissions of its employees and agents, including, but not limited to, the Bureau of Customs and Border Protection and the , a federal agency of the United States. At all times material hereto, the plaintiff alleges that the aforesaid employees and agents were acting within the scope of their office or employment by the United States government.
3. John Does Nos. 1 through 10 are persons presently unknown to the Plaintiff who violated the plaintiff's rights as guaranteed by the United States Constitution and/or Massachusetts law and conspired with others to do so and otherwise bear responsibility for the harms complained of herein. The John Does may be private individuals, state officials or law enforcement officers of one or more states and/or the United States Government who acted in concert with the Federal Defendants, to deny the plaintiff her respective rights as guaranteed by the United States Constitution and Massachusetts law.

JURISDICTION AND VENUE

4. This case is brought to recover damages from the Federal Defendants for harms

caused while those Federal Defendants were acting under color of law of the United States of America, to wit, depriving the Plaintiff of her rights as guaranteed by the United States Constitution. Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971).

5. Jurisdiction is grounded upon 28 U.S.C. Section 1331 because this civil action arises under the Constitution of the United States.
6. This action also seeks recovery of damages under the Federal Tort Claims Act, 28 U.S.C. Section 2671, et seq., ("FTCA"), as the intentional, negligent, or otherwise wrongful acts of omissions of certain employees of the United States, acting within the scope of their office or employment, proximately caused or substantially contributed to the harms complained of herein, all under circumstances where the United States, if a private person, would be liable to the Plaintiff in accordance with the laws of the Commonwealth of Massachusetts.
7. Jurisdiction is therefore also grounded upon 28 U.S.C. Section 1346 where the Complaint brings claims for relief under the FTCA.
8. The Plaintiff has satisfied the jurisdictional prerequisites set forth at Section 2675 of the FTCA. Specifically, pursuant to 28 U.S.C. Section 2675 and 28 C.F.R. Section 14.1 et seq.: (i) plaintiff presented Claims for Damage, Injury or Death to the FBI as required; (ii) the government has failed to make final disposition of those claims within 6 months of being served therewith; and (iii) the plaintiff elects to deem this claim as having been "finally denied" for purposes of 28 U.S.C. Section 2675.
9. Jurisdiction is also founded upon 28 U.S.C. Section 1367 because this Court has original jurisdiction over the federal claims set forth herein and all other claims are so related to the claims in this action that they form part of the same "case or controversy" under Article III of the United States Constitution.
10. Venue is proper in the District of Massachusetts under 28 U.S.C. Section 1391 because a substantial part of the events and omissions giving rise to the claims set forth herein occurred in the District of Massachusetts.

FACTS

11. The Bureau of Customs and Border Protection is a constituent agency of the U. S. Government and is subject to oversight and direction by the Attorney General of the United States. The foregoing enabling statute affirmatively obligates the Bureau to "uphold the laws of the United States and prevent the laws from being violated."

12. On or about May 23, 2001, the plaintiff was a passenger on an airplane that landed at Boston's Logan Airport. By all accounts, the plaintiff had legally entered the United States at this time.
13. On the aforesaid date, and as the plaintiff disembarked from her flight, she was extracted from the line, escorted to a separate, enclosed office and detained without explanation.
14. The plaintiff was then ordered to retrieve her baggage and to return to the aforesaid office.
15. When the plaintiff returned, her suitcase was abruptly opened and inspected. Nothing of significance was found as a result of this inspection. The contents of the plaintiff's purse was also examined with a similar result occurring.
16. The plaintiff protested at the treatment that she was experiencing and was promptly handcuffed.
17. During her detention, the defendant, by its agents and employees, uttered repeated threats to the plaintiff in a seeming effort to demean and intimidate her.
18. Immediately thereafter, the plaintiff's person was searched by the defendant and/or its agents and employees. Once again, the result of this search was entirely benign.
19. The plaintiff was thereafter transported, while still handcuffed, to the INS Detention Center located at 427 Commercial Street, Boston, Massachusetts.
20. The plaintiff was never informed as to why she was detained, subjected to search or transported as describe above.
21. At all times material hereto, the plaintiff made repeated requests for permission to contact the Dutch Consulate and/or legal counsel for assistance. These requests were uniformly denied by the defendants.
22. The plaintiff was eventually photographed, fingerprinted and allowed to make one telephone call to her husband, Jan, in Holland.
23. While detained at the aforesaid facility, the plaintiff was denied bedding, food, and not permitted to wash, groom herself or brush her teeth.
24. The following day, the plaintiff was again transported, while handcuffed, to the

Bristol County House of Correction.

25. While at the Bristol County House of Correction, the plaintiff was forced to undergo a medical examination where, among other things, she was administered a vaccination or other type of injection against her will.
26. The plaintiff remained at the Bristol County House of Correction until May 26, 2001, at which time she was again transported by bus to Logan Airport.
27. After additional inquisition by government officials, the plaintiff was placed upon a commercial flight to Amsterdam by way of Reykjavik, Iceland.
28. At all times material hereto, the plaintiff was treated in an aggressive, physical and inappropriate manner by the defendants. In addition to suffering the mental anguish caused by the defendant, the plaintiff sustained serious physical injuries due to the defendants' treatment.

CLAIMS FOR RELIEF

(These Causes of Action Specifically Incorporate by Reference All of Those Paragraphs Previously Set Forth.)

FIRST CAUSE OF ACTION

29. The plaintiff realleges paragraphs one through twenty-eight of this Complaint and incorporate them by reference as if fully set forth herein.
30. This is an Action by the Plaintiff against the Defendants for negligence which directly and proximately resulted in the plaintiff sustaining serious personal and emotional injuries.

SECOND CAUSE OF ACTION

31. The plaintiff realleges paragraphs one through thirty of this Complaint and incorporate them by reference as if fully set forth herein.
32. This is an Action by the Plaintiff against the Defendants for violation of the Plaintiff's Civil Rights.

THIRD CAUSE OF ACTION

33. The plaintiff realleges paragraphs one through thirty-two of this

Complaint and incorporate them by reference as if fully set forth herein.

34. This is an Action by the Plaintiff against the Defendants for false and improper arrest and imprisonment.

FOURTH CAUSE OF ACTION

35. The plaintiff realleges paragraphs one through thirty-four of this Complaint and incorporate them by reference as if fully set forth herein.

36. This is an Action by the Plaintiff against the Defendants for intentional infliction of emotional distress.

FIFTH CAUSE OF ACTION

37. The Plaintiff realleges paragraphs one through thirty-six of this Complaint and incorporates them by reference as if fully set forth herein.

38. This is an Action by the Plaintiff against the Defendants for negligent infliction of emotional distress.

SIXTH CAUSE OF ACTION

39. The Plaintiff realleges paragraphs one through thirty-eight of this Complaint and incorporates them by reference as if fully set forth herein.
40. This is an Action by the Plaintiff against the Defendants for invasion of privacy.

SEVENTH CAUSE OF ACTION

41. The Plaintiff realleges paragraphs one through forty of this Complaint and incorporates them by reference as if fully set forth herein.
42. This is an Action by the Plaintiff against the Defendant for harassment.

EIGHTH CAUSE OF ACTION

43. The plaintiff realleges paragraphs one through forty-two of this

Complaint and incorporate them by reference as if fully set forth herein.

- 44 This is an Action by the Plaintiff against the Defendants for negligence which directly and proximately resulted in the plaintiff sustaining serious personal and emotional injuries.

NINTH CAUSE OF ACTION

45. The plaintiff realleges paragraphs one through forty-four of this Complaint and incorporate them by reference as if fully set forth herein.
46. This is an Action by the Plaintiff against the Defendants for violation of the Plaintiff's Civil Rights.

TENTH CAUSE OF ACTION

47. The plaintiff realleges paragraphs one through forty-six of this Complaint and incorporate them by reference as if fully set forth herein.
48. This is an Action by the Plaintiff against the Defendants for false and improper arrest and imprisonment.

ELEVENTH CAUSE OF ACTION

49. The plaintiff realleges paragraphs one through forty-eight of this Complaint and incorporate them by reference as if fully set forth herein.
50. This is an Action by the Plaintiff against the Defendants for intentional infliction of emotional distress.

TWELVETH CAUSE OF ACTION

51. The Plaintiff realleges paragraphs one through fifty of this Complaint and incorporates them by reference as if fully set forth herein.
52. This is an Action by the Plaintiff against the Defendants for negligent infliction of emotional distress.

THIRTEENTH CAUSE OF ACTION

- 53. The Plaintiff realleges paragraphs one through fifty-two of this Complaint and incorporates them by reference as if fully set forth herein.
- 54. This is an Action by the Plaintiff against the Defendants for invasion of privacy.

FOUTEENTH CAUSE OF ACTION

- 55. The Plaintiff realleges paragraphs one through fifty- four of this Complaint and incorporates them by reference as if fully set forth herein.
- 56. This is an Action by the Plaintiff against the Defendant for harassment.

DEMANDS FOR RELIEF

- 57. The Plaintiff demands judgment against the Defendant, United States of America, in the amount of damages, with interest and costs, as to the First Cause of Action.
- 58. The Plaintiff demands judgment against the Defendant, United States of America, in the amount of damages, with interest and costs, as to the Second Cause of Action.
- 59. The Plaintiff demands judgment against the Defendant, United States of America, in the amount of damages, with interest and costs, as to the Third Cause of Action.
- 60. The Plaintiff demands judgment against the Defendant, United States America, in the amount of damages, with interest and costs, as to the Fourth Cause of Action.
- 61. The Plaintiff demands judgment against the Defendant, United States America, in the amount of damages, with interest and costs, as to the Fifth Cause of Action.
- 62. The Plaintiff demands judgment against the Defendant, United States of America, in the amount of damages, with interest and costs, as to the Sixth Cause of Action.

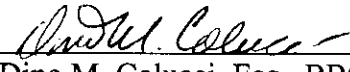
63. The Plaintiff demands judgment against the Defendant, United States of America, in the amount of damages, with interest and costs, as to the Seventh Cause of Action.
64. The Plaintiff demands judgment against the Defendants, John Does Nos. 1-10, in the amount of damages, with interest and costs, as to the Eighth Cause of Action.
65. The Plaintiff demands judgment against the Defendants, John Does Nos. 1-10, in the amount of damages, with interest and costs, as to the Ninth Cause of Action.
66. The Plaintiff demands judgment against the Defendants, John Does Nos. 1-10, in the amount of damages, with interest and costs, as to the Tenth Cause of Action.
67. The Plaintiff demands judgment against the Defendants, John Does Nos. 1-10, in the amount of damages, with interest and costs, as to the Eleventh Cause of Action.
68. The Plaintiff demands judgment against the Defendants, John Does Nos. 1-10, in the amount of damages, with interest and costs, as to the Twelveth Cause of Action.
69. The Plaintiff demands judgment against the Defendants, John Does Nos. 1-10, in the amount of damages, with interest and costs, as to the Thirteenth Cause of Action.
70. The Plaintiff demands judgment against the Defendants, John Does Nos. 1-10, in the amount of damages, with interest and costs, as to the Fourteenth Cause of Action.

THE PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES.

Respectfully Submitted,

For The Plaintiff,

By Her Attorneys,


Dino M. Colucci, Esq., BBO#552331
COLUCCI & COLUCCI, P.C.
552 Adams Street
Milton, MA 02186
(617) 698-600

JS 44 (Rev. 3/99)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff Netherlands
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number) (617) 698-6000
Dino M. Colucci, COLUCCI, COLUCCI & MARCUS
552 Adams Street, Milton, MA 02186

DEFENDANTS

2004 MAY 21 P 1:54

U.S. DISTRICT COURT
County of Residence of First Listed Plaintiff United States
(EXCEPT IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

04 CV 11033 PBS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 ☐ 1 DEF
- Citizen of Another State ☐ 2 ☐ 2 DEF
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 DEF
- Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4 DEF
- Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5 DEF
- Foreign Nation ☐ 6 ☐ 6 DEF

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIW C/DIW W (405(g)) <input type="checkbox"/> 864 SSD Tax XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

28 U.S.C. Section 2671, et seq., ("FTCA")

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

JUDGE

DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) BOSSELAAR V. UNITED STATES

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

FILED
IN CLERKS OFFICE

2004 MAY 21 P 1:58

*Also complete AO 120 or AO 121
for patent, trademark or copyright casesU.S. DISTRICT COURT
DISTRICT OF MASS.

I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.

✓ II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730,
740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950.III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310,
315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371,
380, 385, 450, 891.IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660,
690, 810, 861-865, 870, 871, 875, 900.

V. 150, 152, 153.

04 cv 11033 PBS

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(G)). IF MORE THAN ONE PRIOR RELATED CASE HAS BEEN FILED IN THIS DISTRICT PLEASE INDICATE THE TITLE AND NUMBER OF THE FIRST FILED CASE IN THIS COURT.

N/A

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?

YES

NO

5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC §2403)

YES

NO

IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?

YES

NO

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC §2284?

YES

NO

7. DO ALL OF THE PARTIES IN THIS ACTION, EXCLUDING GOVERNMENTAL AGENCIES OF THE UNITED STATES AND THE COMMONWEALTH OF MASSACHUSETTS ("GOVERNMENTAL AGENCIES"), RESIDING IN MASSACHUSETTS RESIDE IN THE SAME DIVISION? - (SEE LOCAL RULE 40.1(D)).

YES

NO

A. IF YES, IN WHICH DIVISION DO ALL OF THE NON-GOVERNMENTAL PARTIES RESIDE?

EASTERN DIVISION

CENTRAL DIVISION

WESTERN DIVISION

B. IF NO, IN WHICH DIVISION DO THE MAJORITY OF THE PLAINTIFFS OR THE ONLY PARTIES, EXCLUDING GOVERNMENTAL AGENCIES, RESIDING IN MASSACHUSETTS RESIDE?

EASTERN DIVISION

CENTRAL DIVISION

WESTERN DIVISION

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Dino M. ColucciADDRESS 552 Adams St. Milford, MA 02186TELEPHONE NO. (617) 698-6000